

Yeas—28

Aikin	Nelson
Beck	Newton
Brownlee	Oneal
Burns	Pace
Collie	Rawlings
Cotten	Roberts
Davis	Shivers
Head	Stone
Hill	Sulak
Holbrook	Van Zandt
Isbell	Weinert
Lemens	Westerfeld
Moore	Winfield
Neal	Woodruff

Absent—Excused

Redditt	Spears
Small	

Report of Standing Committee

Senator Woodruff, by unanimous consent, submitted at this time the following report:

Committee Room,
Austin, Texas, June 15, 1937.
Hon. Walter F. Woodul, President of
the Senate.

Sir: We, your Committee on Finance, to whom was referred

S. B. No. 9, A bill to be entitled "An Act providing for the support and maintenance of the Department of Agriculture until August 31, 1937, reappropriating certain unexpended balances in certain special funds in the State Treasury to the support and maintenance of said Department of Agriculture for the ensuing biennium ending August 31, 1939, making other provisions therefor; providing and giving the Commissioner of Agriculture certain authority, relating to State owned jacks and stallions; providing for the assignment of State owned jacks and stallions by the County Commissioners Court to caretakers; providing for the care and maintenance of such jacks and stallions and the payment of salaries for caretakers thereof; providing for title to such jacks and stallions; providing for the collection of breeding fees; providing for the remittance of part of such breeding fees to the Commissioner of Agriculture and for the disposition of such fees by the Commissioner of Agriculture; providing for the appointment of a supervisor of jacks and stallions by the Commissioner of Agriculture and the payment of said supervisor's salary

and all expenses incident to the supervision of jacks and stallions; providing for the refunding of certain breeding fees incident to the breeding seasons of 1936 and 1937, and for the transfer of present funds by the Comptroller and Treasurer, etc."

Have had the said bill under consideration, and I am instructed to report same back to the Senate, with the recommendation that it do pass, with committee amendments, and be printed.

WOODRUFF, Vice-Chairman.

Adjournment

On motion of Senator Van Zandt, the Senate at 10:50 o'clock a. m., adjourned until 10:00 o'clock a. m. tomorrow.

TWELFTH DAY

(Thursday, June 17, 1937)

The Senate met at 10:00 o'clock a. m., pursuant to adjournment, and was called to order by the President.

The roll was called, and the following Senators were present:

Aikin	Newton
Beck	Oneal
Brownlee	Pace
Burns	Rawlings
Collie	Shivers
Cotten	Small
Davis	Spears
Head	Stone
Hill	Sulak
Isbell	Van Zandt
Lemens	Weinert
Moore	Westerfeld
Neal	Winfield
Nelson	Woodruff

The following Senators were absent and excused:

Holbrook	Roberts
Redditt	

A quorum was announced present.

The invocation was offered by the Chaplain.

Reading of the Journal of the proceeding of yesterday was dispensed with, on motion of Senator Aikin.

Leaves of Absence

Senators Holbrook and Roberts

were granted leave of absence for today, on account of important business, on motion of Senator Oneal.

Senator Redditt was granted leave of absence for today on account of important business, on motion of Senator Shivers.

Senate Bill No. 9 on Second Reading

Senator Van Zandt moved to suspend Senate Rule 31a, to permit consideration at this time of S. B. No. 9.

The motion prevailed by the following vote:

Yeas—17

Brownlee	Shivers
Burns	Small
Collie	Stone
Cotten	Sulak
Davis	Van Zandt
Isbell	Weinert
Lemens	Winfield
Moore	Woodruff
Pace	

Nays—5

Aikin	Oneal
Hill	Spears
Neison	

Absent

Beck	Newton
Head	Rawlings
Neal	Westerfeld

Absent—Excused

Holbrook	Roberts
Redditt	

The President then laid before the Senate, on its second reading and passage to engrossment:

S. B. No. 9, A bill to be entitled "An Act providing for the support and maintenance of the Department of Agriculture until August 31, 1937, reappropriating certain unexpended balances in certain special funds in the State Treasury to the support and maintenance of said Department of Agriculture for the ensuing biennium ending August 31, 1939, making other provisions therefor; providing and giving the Commissioner of Agriculture certain authority, relating to State owned jacks and stallions; providing for the assignment of State owned jacks and stallions by the county commission-

ers' court to caretakers; providing for the care and maintenance of such jacks and stallions and the payment of salaries for caretakers thereof; providing for title to such jacks and stallions; providing for the collection of breeding fees; providing for the remittance of part of such breeding fees to the Commissioner of Agriculture and for the disposition of such fees by the Commissioner of Agriculture; providing for the appointment of a supervisor of jacks and stallions by the Commissioner of Agriculture and the payment of said supervisor's salary and all expenses incident to the supervision of jacks and stallions; providing for the refunding of certain breeding fees incident to the breeding seasons of 1936 and 1937, and for the transfer of present funds by the Comptroller and Treasurer, and declaring an emergency."

The bill was read second time.

Senator Van Zandt offered the following (committee) amendment (1) to the bill:

Amend S. B. No. 9 by adding at the end of Section 1 the following, to-wit: "Nothing herein shall amend, change, alter or repeal any part, section, phrase or paragraph of S. B. No. 1 passed at the 1st called session of the 45th legislature."

The (committee) amendment (1) was adopted.

Senator Oneal moved to reconsider the vote by which the (committee) amendment (1) was adopted.

The motion to reconsider prevailed.

Question—Shall the (committee) amendment (1) be adopted?

The (committee) amendment (1) was adopted.

Senator Spears offered the following amendment to the bill:

Amend S. B. No. 9 by adding a new section reading as follows:

No local funds heretofore appropriated shall be used by any State educational institution or college to whom said jacks or stallions have been allocated in the care and upkeep of said animals; nor shall any deficiency be authorized in the care,

control and upkeep of said animal or animals. It is expressly provided that said animals shall be supported, cared for and kept out of the fees earned by the custodian in the use of said jacks and stallions. Should the fees be insufficient for the care and keep of said animal or animals then the same shall be turned back to the Commissioner of Agriculture for redistribution.

The amendment was adopted.

Senator Van Zandt offered the following (committee) amendment (2) to be bill:

Amend S. B. No. 9 by striking out all of Section 2 and substituting in lieu thereof the following:

Sec. 2. From and after the effective date of S. B. No. 1, passed at the First Called Session of the Forty-fifth Legislature the Commissioner of Agriculture of the State of Texas is hereby directed and authorized to distribute throughout the State of Texas, in a manner deemed to be advisable by him, the jacks and stallions purchased by the State of Texas under the terms and provisions of Acts of the Regular Session, Forty-third Legislature, Chapter 163, page 433, as amended by Acts of the Forty-third Legislature, First Called Session, Chapter 10, page 32. And said Commissioner of Agriculture is further directed and authorized to name some suitable person experienced in the handling of jacks and stallions as caretaker of such jack or stallion.

The Commissioner of Agriculture shall adopt and carry out reasonable rules and regulations with respect to the distribution, care, use and maintenance of such animals. Provided further that the title of all such jacks and stallions hereinbefore mentioned shall be and remain in the State of Texas. Provided further that in the event the Commissioner of Agriculture is unable to place any of such animals as hereinabove provided, due in any manner to defects or unfitness for breeding purposes, then the Commissioner of Agriculture is hereby authorized and directed to turn such animals over to the State Board of Control, who shall dispose of same to the best interest of the State.

Before any of the jacks or stallions

are distributed and allocated as herein provided, the Commissioner of Agriculture shall allocate and tender to the Texas Prison System three jacks, one draught stallion, and one saddlegaited stallion and after said jacks and stallions have been accepted by the Texas Prison Board, the Commissioner of Agriculture shall hereafter exercise no control or management over such animals. Such animals shall thereafter remain and be the property of the Texas prison system for its uses and purposes, and said jacks and stallions are to be selected by the Commissioner of Agriculture and general manager of the Texas prison system from those jacks and stallions now owned by the State of Texas under the provisions of Chapter 10, Acts of the First Called Session of the Forty-third Legislature. And all expenses incurred by the Commissioner of Agriculture in delivering said jacks and stallions to the Texas prison system shall be borne by said system.

Senator Stone offered the following amendment to the (committee) amendment (2):

Amend Committee Amendment No. 2 to S. B. No. 9 by adding the following:

The Commissioner of Agriculture shall allocate and tender to the Agricultural and Mechanical College of Texas one jack and one draught stallion and after said jack and stallion have been accepted by the Agricultural and Mechanical College of Texas, the Commissioner of Agriculture shall thereafter exercise no control or management of such animals.

The amendment to the (committee) amendment (2) was adopted.

Senator Nelson offered the following amendment to the (committee) amendment (2):

Amend S. B. No. 9 by adding a new section thereto to be known as Section 2A to read as follows:

"The Commissioner of Agriculture shall, at the request of the President of Texas Technological College, deliver to said institution for its permanent use and exclusive control one Belgian stallion, one saddle stallion, and one jack. Provided, further,

that fees if any derived from the use of said animals shall first be used for the care and upkeep of said animals, and the balance of said fees, if any, shall be used for the advancement of agricultural pursuits within said institution."

(Senator Collie in the Chair.)

Senator Moore offered the following amendment to the amendment to the (committee) amendment (2):

Amend the Nelson amendment by striking out the word "Belgian."

The amendment to the amendment to (committee) amendment (2) was adopted.

Question recurring on the amendment (as amended) to the (committee) amendment (2), yeas and nays were demanded.

The amendment (as amended) to the (committee) amendment (2) was lost by the following vote:

Yeas—12

Aikin	Nelson
Collie	Newton
Head	Oneal
Hill	Spears
Moore	Stone
Neal	Woodruff

Nays—15

Beck	Rawlings
Brownlee	Shivers
Burns	Small
Cotten	Sulak
Davis	Van Zandt
Isbell	Weinert
Lemens	Winfield
Pace	

Absent

Westerfeld

Absent—Excused

Holbrook	Roberts
Redditt	

Senator Weinert moved to reconsider the vote by which the amendment of Senator Stone to the (committee) amendment (2) was adopted.

Yeas and nays were demanded, and the motion to reconsider prevailed by the following vote:

Yeas—14

Beck	Newton
Burns	Pace
Cotten	Spears
Davis	Sulak
Head	Weinert
Hill	Westerfeld
Isbell	Winfield

Nays—9

Aikin	Oneal
Brownlee	Shivers
Collie	Stone
Lemens	Woodruff
Moore	

Present—Not Voting

Neal	Rawlings
Nelson	Van Zandt

Absent

Small

Absent—Excused

Holbrook	Roberts
Redditt	

Question—Shall the amendment of Senator Stone to the (committee) amendment (2) be adopted?

Yeas and nays were demanded, and the amendment to the (committee) amendment (2) was adopted by the following vote:

Yeas—12

Aikin	Oneal
Brownlee	Shivers
Collie	Stone
Head	Westerfeld
Lemens	Winfield
Moore	Woodruff

Nays—11

Beck	Newton
Burns	Pace
Cotten	Small
Davis	Spears
Hill	Sulak
Isbell	

Present—Not Voting

Neal	Rawlings
Nelson	Van Zandt

Absent.

Weinert

Absent—Excused

Holbrook	Roberts
Redditt	

(President in the Chair.)

Senator Head offered the following amendment to the (committee) amendment (2):

Amend Committee Amendment No. 2 by adding a new Section 2B to read as follows:

The Commissioner of Agriculture shall, at the request of the Dean of John Tarleton Agricultural College, deliver to said institution for its permanent use and exclusive control, one draft stallion, one saddle stallion and one jack. Provided, further, that fees, if any, derived from the use of said animals shall first be used for the care and upkeep of said animals, and the balance of said fees, if any, shall be used for the advancement of agricultural pursuits within said institution.

On motion of Senator Rawlings and by unanimous consent, it was ordered that the amendment to the (committee) amendment be changed to provide that one stallion and one jack may be delivered also to North Texas Agricultural College.

On motion of Senator Neal and by unanimous consent, it was ordered that the amendment to the (committee) amendment be changed to provide also that one stallion and one jack may be delivered also to Texas College of Arts and Industries.

On motion of Senator Sulak and by unanimous consent, it was ordered that the amendment to the (committee) amendment be changed to provide that one stallion and one jack may be delivered also to Prairie View State Normal and Industrial College.

On motion of Senator Nelson and by unanimous consent, it was ordered that the amendment to the (committee) amendment be changed to provide that one jack and one stallion may be delivered also to the Texas Technological College.

Senator Woodruff moved the previous question on the pending amendments and the motion was duly seconded.

The Senate refused to order the main question at this time.

The amendment by Senator Head

to the (committee) amendment (2), with changes as ordered, was adopted.

Senator Oneal offered the following amendment to the (committee) amendment (2):

Amend Committee Amendment No. 2 by adding at the end of the first sentence thereof the following:

Provided that a stallion or a jack shall be placed in each county that has not heretofore had one of said stallions or jacks, and that has a need for such stallion or jack.

ONEAL,
NEWTON.

The amendment to the (committee) amendment (2) was adopted.

Senator Woodruff offered the following substitute for the (committee) amendment (2) as amended:

Amend S. B. No. 10 by substituting the following for Committee Amendment No. 2, as amended:

The Commissioner of Agriculture is hereby directed, at the earliest practicable time after the effective date of this Act, to sell at public outcry, to highest and best bidder for cash, at the courthouse door of the county where any animal belonging to the State of Texas, purchased out of the Jack and Stallion Fund, all such animals, the proceeds of such sale to be deposited to the credit of the General Revenue Fund of the State.

Senator Van Zandt moved to table the substitute for the (committee) amendment (2).

Yeas and nays were demanded, and the motion to table prevailed by the following vote:

Yeas—17

Beck	Nelson
Brownlee	Newton
Burns	Oneal
Collie	Pace
Cotten	Sulak
Head	Van Zandt
Hill	Weinert
Isbell	Westerfeld
Neal	

Nays—8

Aikin	Moore
Davis	Rawlings

Small Winfield
Spears Woodruff

Present—Not Voting

Stone

Absent

Lemens Shivers

Absent—Excused

Holbrook Roberts
Redditt

Senator Pace offered the following amendment to the (committee) amendment (2):

Amend by adding—

"Provided that one long-eared jack shall be allocated to the Negro Orphans' Home near Gilmer in Upshur County, to be used in the educational instruction of the growing young Negro agriculturists there."

Senator Hill moved the previous question on the pending amendments, the committee amendments (3), (4) and (5), an amendment to be offered by Senator Davis and on the passage of the bill to engrossment, and the motion was duly seconded.

Yeas and nays were demanded, and the main question was ordered by the following vote:

Yeas—16

Beck	Pace
Burns	Small
Cotten	Spears
Davis	Sulak
Head	Van Zandt
Hill	Weinert
Neal	Westerfeld
Nelson	Woodruff

Nays—10

Atkin	Newton
Brownlee	Oneal
Collie	Rawlings
Isbell	Stone
Moore	Winfield

Absent

Lemens Shivers

Absent—Excused

Holbrook Roberts
Redditt

Question then first recurring on

the amendment by Senator Pace to the (committee) amendment (2), it was lost.

The (committee) amendment (2) as amended then was adopted.

The following (committee) amendments (3), (4) and (5) were adopted severally:

(3)

Amend S. B. No. 9 by adding at the end of Section 4 the following:

"Provided, however, that the salary of the chief supervisor, herein authorized shall not exceed the sum of \$2400 per year and all traveling expenses permitted hereby shall be subject to the limitations and provisions provided in S. B. No. 138, Acts of the Regular Session of the Forty-fifth Legislature."

(4)

Amend S. B. No. 9 by striking out from Section 6 the following words:

"As provided in Subsection 2 hereof "and substituted in lieu thereof the following:

"As provided in this Act."

(5)

Amend S. B. No. 9 by adding the word "section" before the figures "2," "3," "4," "5," "6," "7" and releasing said figures from the parentheses.

The following amendment to the bill was offered by Senator Davis and was adopted:

Amend S. B. No. 9 by adding at the end of Section 4 thereof the following:

"Said caretaker shall be required to enter into a contract in which he shall agree to accept the eighty per cent (80%) of all breeding fees retained by him as full compensation for the feeding, care and breeding of said jack or stallion, and that under no circumstance shall the State of Texas, or the Special Racing Fund, be liable or responsible for any expenses incurred in the care, feeding, breeding and other attending to said jack or stallion."

On motion of Senator Van Zandt and by unanimous consent, it was ordered that the caption be amended to conform to the body of the bill, as amended.

The bill, as amended, then was passed to engrossment.

Record of Vote

Senator Moore asked to be recored as voting "nay" on the passage of the bill to engrossment.

Senate Bill No. 9 on Third Reading

Senator Van Zandt moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 9 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—25

Beck	Pace
Burns	Rawlings
Collie	Shivers
Cotten	Small
Davis	Spears
Head	Stone
Hill	Sulak
Isbell	Van Zandt
Lemens	Weinert
Neal	Westerfeld
Nelson	Winfield
Newton	Woodruff
Oneal	

Nays—3

Alkin	Moore
Brownlee	

Absent—Excused.

Holbrook	Roberts
Redditt	

The President then laid S. B. No. 9 before the Senate, on its third reading and final passage.

The bill was read third time.

The Senate refused to pass the bill by the following vote:

Yeas—10

Burns	Stone
Head	Van Zandt
Neal	Weinert
Nelson	Westerfeld
Oneal	Winfield

Nays—16

Alkin	Collie
Beck	Cotten
Brownlee	Davis

Hill	Rawlings
Isbell	Small
Moore	Spears
Newton	Sulak
Pace	Woodruff

Absent

Lemens	Shivers
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Absent—Excused

Holbrook	Roberts
Redditt	

Messages From the House

A Clerk from the House was recognized to present the following messages:

Hall of the House of Representatives,
Austin, Texas, June 17, 1937.
Hon. Walter F. Woodul, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following resolution:

H. C. R. No. 22, Requesting the Honorable Governor James V. Allred to submit a bill designed to correct errors in H. B. No. 5 of the Regular Session of the Forty-fifth Legislature, a measure that amended the Texas Liquor Control Act.

Respectfully submitted,

LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

Hall of the House of Representatives,
Austin, Texas, June 17, 1937.
Hon. Walter F. Woodul, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following resolution:

S. C. R. No. 2, Authorizing the State Treasurer to accept and apportion certain moneys from the Federal Government.

Respectfully submitted,

LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

Adjournment

Senator Rawlings moved that the Senate adjourn until 10:00 o'clock a. m., Monday, June 21, 1937.

Yeas and nays were demanded, and the motion prevailed by the following vote:

Yeas—19

Beck	Pace
Brownlee	Rawlings
Burns	Small
Cotten	Spears
Davis	Stone
Head	Sulak
Hill	Van Zandt
Moore	Weinert
Neal	Winfield
Newton	

Nays—6

Aikin	Oneal
Collie	Westerfeld
Isbell	Woodruff

Present—Not Voting.

Nelson

Absent

Lemens Shivers

Absent—Excused

Holbrook Roberts
Redditt

The Senate, accordingly, at 12:25 o'clock p. m., adjourned until 10:00 o'clock a. m. next Monday, June 21, 1937.

THIRTEENTH DAY

(Monday, June 21, 1937)

The Senate met at 10:00 o'clock a. m., pursuant to adjournment, and was called to order by the President.

The roll was called, and the following Senators were present:

Aikin	Collie
Brownlee	Cotten
Burns	Davis

Head	Redditt
Hill	Roberts
Holbrook	Shivers
Isbell	Small
Lemens	Spears
Moore	Stone
Newton	Van Zandt
Oneal	Westerfeld
Pace	Winfield
Rawlings	Woodruff

The following Senators were absent and excused:

Beck	Sulak
Neal	Weinert
Nelson	

A quorum was announced present.

The invocation was offered by the Chaplain.

Reading of the Journal of the proceedings of Thursday, June 17, was dispensed with, on motion of Senator Roberts.

Leaves of Absence

The following Senators were granted leaves of absence for today, on account of important business:

Senator Sulak, on motion of Senator Brownlee.

Senator Nelson, on motion of Senator Oneal.

Senator Weinert, on motion of Senator Holbrook.

Senator Beck, on motion of Senator Head.

Senator Neal, on motion of Senator Winfield.

Message from the Governor

A Secretary of the Governor was announced by the Doorkeeper and was recognized by the President to present the following message:

Austin, Texas, June 21, 1937.

To the Members of the 45th Legislature:

I hereby submit to you for your consideration the following local and uncontested matters:

Authors

1. Bills by Senator Hill and Representative Bob Leath
2. Bills by Senator Roberts and Representative Schuenemann
- 3.
4. Senator Woodruff
5. Representative Rutta

Substance Matter

Validate the issuance of bonds for the New London School District and Gladewater.

Validate local bonds.

Local bond validation bill for Harris County.

Local time warrant bill.

Local game bill.